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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/802,398
Filing Date: March 09, 2001
Appellant(s): SCOTT ET AL.

Mark Reichel, Reg. No. 53,509
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on August 10, 2007 appealing from the Office action mailed December 12, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,953,707	Huang et al.	9-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 11, 13-18 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (Hereinafter "Huang") US Patent No. 5,953,707.

As to claim 1, Huang teaches the invention substantially as claimed, comprising:

means for processing project data [policy and target, 262 of fig. 24; 20 of fig. 7] to compare data entered by a user to at least one methodology to ensure that correct process is followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specification [The user first acquires forecasts generated using different methods from the Demand Management Frame 130. After analyzing these forecasts and comparing the results, the user then selects the most appropriate one to be used., col. 25, lines 45-50; col. 30, lines 6-23; col. 19, lines 1-7];

means for storing and retrieving project data[DSS database of fig. 7], the project data storing and retrieving means operably connected to the processing means [product info, fig. 38, 60, 61, 64], and the project data comprising, for each of the at least one projects, a project identifier to identify the project [APPHeaderID, Appendix A, col. 111-112; product ID, fig. 53, 56], a project part identifier to identify the part of the project [fig. 70], a project supplier identifier to identify the supplier of the project [SupplyOrderID, Appendix A, col. 111-112], a project customer identifier to identify to customer of the project [CustomerID, fig. 48, 56-58], data representative of the at least one methodology of the project [aggregate Production Plan, col. 113-114], and data representative of the at least one control of the project [D for day; W for week...etc, col. 113-114].

Huang further teaches a methodology being indicative of at least one requirement [determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process, col. 12, lines 52 to col. 14, lines 3].

As to claim 13, Huang teaches the invention substantially as claimed as specified in claim 1 above. Huang further teaches a first database comprising data representative of at least one methodology applicable to the project [DSS frame decisions from systems integrator, fig. 37]; a second database comprising a project record for each of the at least one projects [production node, fig. 38; customer info product req, fig. 38; col. 92, lines 27 to col. 93, lines 61]; and means for controlling the progress of the at least one project, the controlling means operably connected to the first database and the second database, the controlling means using the indicated methodology(ies) of the project for such control [see supply chain network configurator, fig. 38; col. 92, lines 27 to col. 93, lines 61].

As to claim 2, Huang teaches the invention substantially as claimed. Huang further teaches that the project data storing and retrieving means comprises memory [inherent in the database system].

As to claim 3, Huang teaches the invention substantially as claimed. Huang further teaches a storage device [col. 100, lines 20-23].

As to claim 4, Huang teaches the invention substantially as claimed. Huang further teaches that the user operating system is able to selectively retrieve project data stored on the project data storing and retrieving means [col. 97, lines 31 to col. 99, lines 37].

As to claim 5, Huang teaches the invention substantially as claimed. Huang further teaches that the connection between the processing means the user system comprises a network [fig. 38].

As to claim 6, Huang teaches the invention substantially as claimed. Huang further teaches that the network comprises a global computer network [Global performance, col. 2, lines 35-38; col. 94, lines 36-50].

As to claim 7, Huang teaches the invention substantially as claimed. Huang further teaches that the global computer network comprises the Internet [col. 101, lines 7-8].

As to claim 8, Huang teaches the invention substantially as claimed. Huang further teaches that the system is capable of management of at least one sub-project [col. 197-198].

As to claim 9, Huang teaches the invention substantially as claimed. Huang further teaches that the project part comprises a family of parts, and the project part identifier includes a descriptive field to distinguish among the family of parts [col. 197-198].

As to claim 11, Huang teaches the invention substantially as claimed as specified in claims 1 and 13 above. Huang further teaches monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record [col. 149-150]; evaluating the entered data for relevance to the at least one requirements applicable to the project, and, if not relevant returning to step (c) [col. 13, lines 45 to col. 14, lines 4]; and comparing the entered data to the at least one measurement criterion of the relevant at least one requirement, and, if the entered data does not satisfy the at least one measurement criterion, returning to step (c) [col. 12, lines 51 to col. 13, lines 7]. Huang further teaches that at least one methodology including a document [fig. 54, 55; resources requirements, fig. 65], and at least one measurement criterion comprising a document complete indicator [indicators: "Symmetric, 7 segments" remarks for "enables to reach reasonable level", "Symmetric, 5 segments" remarks for "less accurate", and "Asymmetric, 7 segments" remarks for "reaches good levels for the highest cumulative values", see table 14 of col. 84; fig. 31, 32].

As to claim 24, Huang teaches the invention substantially as claimed above. Huang further teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

As to claim 25, Huang teaches the invention substantially as claimed. Huang further teaches a reporting subsystem operable by processing means for reporting the evaluation of the

project and subproject as determined by the evaluation subsystem [col. 34, lines 46 to col. 35, lines 3].

As to claims 27-28, Huang teaches the invention substantially as claimed, with the exception that the evaluation subsystem measures the risk of the sub-project based on the risk factors. However, this feature is inherent in the system in order to evaluate the project [col. 34, lines 46 to col. 35, lines 3].

As to claims 14-18, 26 and 29, all limitations of these claims are rejected in the analysis above, and these claims are rejected on that basis.

(10) Response to Argument

In summary, Applicant argues that Huang merely focuses on supply chain management pertaining to quantity and not quality as taught by the present application.

Examiner respectfully disagrees. Examiner believes that Huang does not only teach supply chain management pertaining to quantity but also to quality as well. Huang teaches that the data in each data space (i.e. demand, supply and inventory data) can be at any resolution (in terms of level of aggregation) along the three dimensions and can be expressed as a quantity or value [col. 7, lines 47-57]. Huang also ensures quality standards are met by determining the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45-64; col. 16, lines 1-67]. Huang also analyzes the impact of promotions on sales. The results of such an analysis are then used to help adjust sales forecasts to

account for promotions. Forecast performance evaluation can evaluate the quality of enterprise's forecasts and the customer projection [col. 19, lines 1-7].

Applicant argues that Huang does not disclose, teach, or suggest a "Methodology" as claimed in claims 1, 13, and 24.

Examiner respectfully disagrees. Examiner believes that Huang teaches this feature in claims 1, 13 and 24. "Methodology" is the analysis of the principles of methods, rules, and postulates employed by a discipline, the development of methods, to be applied within a discipline or a particular procedure or set of procedures (defined from "Wikipedia, the free encyclopedia). Examiner believes that Huang teaches a methodology for controlling a supply and demand reconciliation process, a capacity planning process, a vendor managed replenishment process, and a scenario management process of a supply chain [ab] to ensures quality standards are met by determining the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45-64; col. 16, lines 1-67], as same as Applicant's claimed invention. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process by providing analytical decision methods (or models) based on "What-if scenario test" [see fig. 41; col. 61, lines 8-44].

Moreover, Examiner is also entitled to give claim limitations their broadest reasonable interpretation consistent with the Specification. Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. See In re prater,

162 USPQ 541, 550-51 (CCPA 1969). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a different type of object is used for each different type of thing being represented) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the features upon which applicant relies (i.e., templates created by the quality director or quality gates) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Huang does not teach, disclose, or suggest a "methodology applicable to the project" as claimed in claims 1, 13 and 24.

Examiner respectfully disagrees. Examiner believes that Huang teaches this feature in claims 1, 13 and 24. Huang teaches a method applied for a project of making a product by selecting the Make Product Set dialog box which gives the user an alternate way to make a domain which only consists of products and product groups (see FIG. 53). Using this dialog box, the user may select groups of product numbers based on features of the products. This function can be accessed from the Edit Data Domain dialog box by clicking the Make Product Set button on the toolbar. This will open the Make Product Set dialog box. First, the user selects a product category from the product category list. Then, the user selects a feature (or features) that will be used as selection criteria (i.e., the Brand) in a combo box in the right part of the dialog box. Once

the feature selection is made, the possible values for that feature will appear in a list box below the selected feature name. The user may then highlight the features desired. Immediately after the feature type (i.e., Brand) is selected, a new blank feature type selection box appears to the right of the selected feature type. This allows the user to select a second feature choice to use as a selection criteria (i.e., Subtype). Once again, the possible values are then listed in a list box below the selected feature type and a third feature type selection combo box appears to the right of the last selection combo box. This process will repeat until there are no more feature types related to the products. The user may select all of the choices for the feature by clicking the Select * button located directly below the Feature Type dialog box. In the following example, the resulting domain consists of products in the "PROJ" product category with brand being "FI", "PP" or "S" and subtype being "P" or "S". The products that satisfy these selection criteria are shown in the "Products" list [col. 103, lines 35 to col. 104, lines 6].

Applicant argues that Huang does not teach the feature of comparing data entered by a user to the at least one methodology to ensure that correct processes are processed as claimed in claims 1, 13 and 24.

As to this point, Examiner respectfully disagrees. Examiner believes that Huang also teaches this feature in claims 1, 13 and 24. Huang teaches that when the actual purchase orders arrive, the enterprise attempts to fulfill the requirements to their customers' satisfaction. Synthesize information from different sources in order to manage the demand requirements effectively by comparing point-of-sales (POS) data with shipment history and customer forecasts [col. 12, lines 61 to col. 13, lines 3]. Huang also teaches generating different replenishment

scenarios based on different values of delivery frequency, target average inventory level and target customer service level. In order to compare these different options without using total projected costs like the one suggested in the feature above, the system will compute key statistics such as expected inventory levels at customer distribution centers (DCs) and manufacturing plants. By comparing these statistics, a better replenishment scenario can be identified. Huang also teaches that after a VMR program has been setup and the execution started, it requires constant monitoring of the key policy parameters and performance measures. If there are substantial changes, it is critical to report them back to the users. This is because the optimal operating parameters in the VMR program set at the strategic level are obtained under certain assumptions about these key indicators. In addition, periodically, the management will be interested in the actual effectiveness of the VMR program. To support such program reviews, the system will record and generate management reports regarding the actual performance of the VMR program compared to the inventory and customer service level targets set in the VMR contract [col. 34, lines 36-59].

Applicant argues that Huang does not teach a "methodology being indicative of at least one requirement" as claim 11.

As to this point, Examiner respectfully disagrees. Examiner believes that Huang also teaches this feature in claim 11. In fig. 53, Huang teaches that the user selects a product category from the product category list. Then, the user selects a feature (or features) that will be used as selection criteria (i.e., the Brand) in a combo box in the right part of the dialog box. Once the feature selection is made, the possible values for that feature will appear in a list box below the

selected feature name. The user may then highlight the features desired. Immediately after the feature type (i.e., Brand) is selected, a new blank feature type selection box appears to the right of the selected feature type. This allows the user to select a second feature choice to use as a selection criteria (i.e., Subtype). Once again, the possible values are then listed in a list box below the selected feature type and a third feature type selection combo box appears to the right of the last selection combo box. This process will repeat until there are no more feature types related to the products. The user may select all of the choices for the feature by clicking the Select * button located directly below the Feature Type dialog box. In the following example, the resulting domain consists of products in the "PROJ" product category with brand being "FI", "PP" or "S" and subtype being "P" or "S". The products that satisfy these selection criteria are shown in the "Products" list [col. 103, lines 35 to col. 104, lines 6].

Applicant argues that Huang does not teach "methodology including a document" and "document indicator" as claimed in claim 11.

Examiner respectfully disagrees. Examiner believes that Huang also teaches this feature in claim 11. The implementation of these methods for selecting a specific project can be documented in Appendix C and fig. 53. Huang teaches document indicators such as "Remarks" or "Types" of distribution {tables 14 or fig. 31 and 32]. Huang also teaches the resolutions and values on the relevant dimensions of product, customer, time, resource, and item, (ii) corresponding data file which contains the actual data at the resolutions and values specified in the header [col. 8, lines 56-65; col. 7, lines 47-67; values' indicators such as FI, PP, SR, P, S, see fig. 53 under "values' headers].

Applicant argues that Huang does not teach an "evaluation system" as specified in claim 24 and comparing data entered by a user to the at least one methodology to ensure that correct processes are processed as claimed in claim 11.

Examiner respectfully disagrees. Examiner believes that Huang teaches these features in claims 11 and 24. Huang teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42]. Huang teaches that when the actual purchase orders arrive, the enterprise attempts to fulfill the requirements to their customers' satisfaction. Synthesize information from different sources in order to manage the demand requirements effectively by comparing point-of-sales (POS) data with shipment history and customer forecasts [col. 12, lines 61 to col. 13, lines 3]. Huang also teaches generating different replenishment scenarios based on different values of delivery frequency, target average inventory level and target customer service level. In order to compare these different options without using total projected costs like the one suggested in the feature above, the system will compute key statistics such as expected inventory levels at customer distribution centers (DCs) and manufacturing plants. By comparing these statistics, a better replenishment scenario can be identified. Huang also teaches that after a VMR program has been setup and the execution started, it requires constant monitoring of the key policy parameters and performance measures. If there are substantial changes, it is critical to report them back to the users. This is because the optimal operating parameters in the VMR program set at the strategic level are obtained under certain assumptions about these key indicators. In

addition, periodically, the management will be interested in the actual effectiveness of the VMR program. To support such program reviews, the system will record and generate management reports regarding the actual performance of the VMR program compared to the inventory and customer service level targets set in the VMR contract [col. 34, lines 36-59].

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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